

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-9, 11-19, 23, 24, 27, and 28 are pending in the application, with 1, 13, and 23 being the independent claims. No amendments are being made at this time.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

On page 2 of the Office Action, claims 1-5, 9, 13-16, and 19 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Great Britain Patent No. GB 2,321,316 to Hashimoto (hereinafter "Hashimoto") in view of U.S. Patent 5,117,255 to Shiraishi *et al.* (hereinafter "Shiraishi"). Applicants respectfully traverse this rejection.

Claim 1

Claim 1 recites features that distinguish over the cited references. For example, claim 1 recites:

"an adjusting system that adjusts spatial characteristics of the patterned beam to compensate for the calculated dimensional response, wherein the adjusting system comprises an image correction system to adjust a cross-sectional shape of the beam."

On page 3 of the Office Action, the Examiner explicitly states that Hashimoto does not disclose this feature of claim 1. The Examiner then alleges that Shiraishi discloses this feature. Applicants respectfully disagree.

Though Shiraishi discloses compensating for anisotropic distortions of the substrate, there is no teaching or suggestion of adjusting the cross-sectional shape of the

beam or adjusting the spatial characteristics of the patterned beam, as recited in claim 1. Col. 12, line 59 - col. 13, line 8 of Shiraishi (as pointed out by the Examiner) merely teaches measuring and storing an expansion/contraction coefficient in a memory. The measurements made by Shiraishi are merely used to change the image strain shape and not the cross-sectional shape of the beam itself. (*See*, for example, Shiraishi, col. 18, line 58 - col. 19, line 41). Therefore, Shiraishi does not resolve the deficiencies of Hashimoto. Thus, a combination of Hashimoto and Shiraishi does not meet the criteria for *prima facie* obviousness. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn, and that claim 1, and its dependent claims 2-5 and 9, be passed to allowance.

Claim 13

Claim 13 recites distinguishing features similar to claim 1. Accordingly, Applicants respectfully request that claim 13, and its dependent claims 14-16, and 19, be passed to allowance at least for reasons similar to those presented immediately above for claim 1, and further in view of their own features. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 6-8, 17, and 18

On page 3 of the Office Action, claims 6-8, 17, and 18 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hashimoto in view of Shiraishi as applied to claim 1 and 13 above, and further in view of U.S. Pub. No. 2004/0012404 of Feder *et al.* (hereinafter "Feder"). Applicants respectfully traverse this rejection.

Claims 6-8, 17, and 18 depend from, respectively, claims 1 and 13, and recite further distinguishing features. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn, and that claims 6-8, 17, and 18 be passed to

allowance for at least the same reasons as claims 1 and 13 presented above, and further in view of their own features.

Allowable Subject Matter

Applicants note with appreciation, the Examiner's indication of allowability of claims 23, 24, 27, and 28.

Applicants note the Examiner's statement of reasons for allowance presented on page 4 of the Office Action. Applicants reserve the right to demonstrate claims 23, 24, 27, and 28 are allowable over the art made of record for further reasons related to any of their recited features. Applicants further contend that reservation of this right does not give rise to any implication regarding whether the Applicants agree with or acquiesces in the reasoning provided by the Examiner in the Examiner's statement of reasons for allowance.

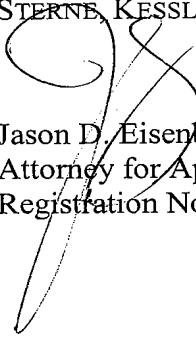
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 10/17/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

JDE/SHS/jmh
715270_1.DOC